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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-104

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

- a. In the first line of the treatment clause to SECTION 2, “chapter” should precede “ATCP 156.”
- b. Because it affects s. ATCP 21.14 (1) (intro.), SECTION 4 of the rule should be moved so that it precedes SECTION 2 of the rule, which affects ch. ATCP 26.
- c. The material in SECTIONS 19 and 20 of the rule should precede SECTION 9 of the rule.
- d. In SECTION 39 of the rule, the word “chapter” should be deleted.
- e. The effective date provision of the rule should be in an unnumbered provision [s. 1.02 (4) (d), Manual] and should cite s. 227.22 (2) (intro.), Stats. [s. 1.02 (4) (a), Manual].

4. Adequacy of References to Related Statutes, Rules and Forms

- a. Because of the renumbering involved in the rule, it appears that the amended reference to s. ATCP 107.12 (3) in s. ATCP 102.15 (1) (b), as affected by SECTION 15 of the rule, should be a reference to s. ATCP 102.12 (3). Similarly, it appears that the amended reference to s. ATCP 102.01 (2) or (3), in s. ATCP 102.15 (1) (e), should be a reference to s. ATCP 102.12 (2) or (3).

b. Because s. ATPC 108.01 is renumbered by the rule, the section referenced on page 10, line 23 of the rule should be s. ATPC 102.21. Similarly, the sections referenced on page 11, lines 9 and 13, should be ss. ATPC 137.11 and 137.12, respectively.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the second paragraph of the Note created by SECTION 8 of the rule, the term “s.” should be inserted before “100.201, Stats.”

b. SECTION 11 repeals a Note in ch. ATPC 106. However, there are currently two Notes at the beginning of that chapter. Is it the department’s intent to repeal both of the Notes? This should be clarified.

c. In s. ATPC 137.07 (3), the word “statement” should be made plural as it is in the current rule. If, on the other hand, it is the rule’s intent to amend the word, the appropriate amendatory strike-through should be included.